

REMARKS

Claims 1-15 are in the application. Claims 1, 2-11, and 13 have been amended for clarity. No new matter has been added.

Claim Objections

Claim 3 was objected to for typographical reasons. The present amendment corrects this.

Claim Rejections - 35 USC 103

Claim 1 was rejected under 35 USC 103 as being obvious over Council in view of Chen et al.

Claims 2-15 were rejected under 35 USC 103 as being obvious over Council and Chen et al. as applied to claim 1 and further in view of Hardy et al.

Applicants traverse these grounds of rejection.

The present invention, as defined in all of the claims, is to a system or method for email screening in which the email recipient's computer initially receives email and reroutes it to the screening server. In independent system claim 1, this is claimed with "software on a recipient computer rerouting email received by the email recipient computer to the email screening server over the network." In independent method claim 6, this is claimed with "software on a recipient computer rerouting email received by the email recipient computer to the email screening server over the network." In independent method claim 10, this is claimed with "a recipient computer re-routing received email from the recipient computer to a scanning server over a network."

As a whole, this limitation in the present claims allows certain advantages over the prior art. For example, the systems and methods of Council and Chen et al. involve an interception and comparison/scan at some point between the email sender and receiver, typically at an Internet Service Provider (ISP) or centralized mail server. However, by having software resident on the recipient computer reroute the email to the screening server, the present invention is independent of any particular ISP or mail server - i.e., it is portable. As such, a recipient can obtain email screening regardless of chosen ISP or network location and can use it with multiple email addresses and ISPs simultaneously - so long as the email can be initially delivered to the recipient, the recipient computer can reroute it to the screening server.

Indeed, a major reason that some Internet users continue to use more expensive ISPs like AOL and AT&T Worldnet is for the email screening. The present invention allows Internet users to select lower cost ISPs.

Another portion of Internet users choose to not have their email screened because they are afraid that some important communication will be improperly screened. Because all recipient email in the presently claimed invention continues to first be delivered to the recipient computer, and because it is the recipient's computer in the present invention that reroutes email for screening, users of the present invention inherently have greater control over the process since all email continues to be delivered to them and they can enable and disable the screening at the recipient computer.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See M.P.E.P. Section 2143).

No Motivation to Combine

In the present case, at least two of these criteria have not been met in the Office Action. First, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify Council or combine it with Chen et al. or Chen et al. and Hardy et al. to obtain Applicants' invention.

As a whole, Council and Chen et al. subscribe to the prior art position that email screening should be done at some central point *between* the sender and recipient, prior to any email being received by the recipient, thereby *teaching against* the presently claimed invention in which all email is received by the recipient computer and *then rerouted by the recipient computer* to the screening server.

Furthermore, as Council is completely silent regarding virus scanning and Chen et al. are completely silent regarding unsolicited email, it is clear that the purported reason to modify Council with Chen et al. - "as a means to provide protection to the user from viruses which can easily be scanned at the time of receipt" is based upon *impermissible hindsight* gleaned from

Applicants' disclosure. Hardy et al. adds nothing to remedy this defect.

All Claim Limitations Not Shown

Despite the fact that both Council and Chen et al. deal with screening of email, neither discloses, teaches, or fairly suggests the claimed limitations related to the email recipient computer initially receiving the email and rerouting it to the screening server, as discussed above with respect to claims 1, 6, and 10. Likewise, Hardy et al. adds nothing to remedy this defect.

In view of the above arguments, Applicant respectfully submits that claims 1-15 are novel and non-obvious over the cited prior art.

Conclusion

For the reasons cited above, Applicants submit that claims 1-15 are in condition for allowance and requests reconsideration of the application. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the local exchange given below.

Respectfully submitted,



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